

## MODULE

# 4/5

## Generating, Translating and Strengthening Ethical Arguments and Counterarguments

---

**Handout 4/5.1:** Identifying Claims, Arguments, Descriptive Claims, and Normative Claims—Worksheet

**Handout 4/5.2:** Identifying Claims, Arguments, Descriptive Claims, and Normative Claims—Answer Key

**Handout 4/5.3:** Identifying Ethical Arguments—Worksheet

**Handout 4/5.4:** Identifying Ethical Arguments—Answer Key

**Handout 4/5.5:** Summary of the Categories of Ethical Arguments

**Handout 4/5.6:** Categorizing Ethical Arguments—Worksheet

**Handout 4/5.7:** Categorizing Ethical Arguments—Answer Key

**Handout 4/5.8:** Generating and Strengthening Ethical Arguments and Counterarguments—Worksheet

Handout 4/5.1

# Identifying Claims, Arguments, Descriptive Claims, and Normative Claims—Worksheet

## Question 1:

### Instructions

- Decide whether each item is a claim or not a claim.
- Place an X in the column marked Y (yes) or N (no).

Y	N	Is it a claim?
		The sky is blue.
		Wow, really?
		Four score and seven years ago.
		New York is the greatest city in the world.

## Question 2:

### Instructions

- Decide whether each item is an argument or not an argument.
- Place an X in the column marked Y (yes) or N (no).

Y	N	Is it an argument?
		The sky is blue. New York is the greatest city in the world.
		Assisted suicide is legal in almost every state.
		Murder is wrong but assisted suicide is legal in almost every state.
		New York is the greatest city in the world, because it has the best museums.
		Smoking is disgusting. And it causes cancer. You should quit.

**Question 3:****Instructions**

- What kind of claim is it?
- Place an X in the column marked D (descriptive) or N (normative).

D	N	What kind of claim is it?
		The sky is blue.
		Children should write thank you notes.
		New York is the greatest city in the world.
		Assisted suicide is legal in some states.
		That's tantamount to murder.

Handout 4/5.2

# Identifying Claims, Arguments, Descriptive Claims, and Normative Claims—Answer Key

*Explanations appear in italics.*

## Question 1:

Y	N	Is it a claim?
X		The sky is blue. <i>An assertion/declarative statement.</i>
	X	Wow, really? <i>An exclamation and a question.</i>
	X	Four score and seven years ago. <i>Phrase, not an assertion/declarative statement.</i>
X		New York is the greatest city in the world. <i>An assertion/declarative statement.</i>

## Question 2:

Y	N	Is it an argument?
	X	The sky is blue. New York is the greatest city in the world. <i>Two claims but no rationale. The claims are also completely unrelated.</i>
	X	Assisted suicide is legal in almost every state. <i>Need at least 2 claims.</i>
	X	Murder is wrong but assisted suicide is legal in almost every state. <i>Two claims but no rationale.</i>
X		New York is the greatest city in the world, because it has the best museums. <i>Conclusion + rationale.</i>
X		Smoking is disgusting. And it causes cancer. You should quit. <i>Two rationales + conclusion.</i>

**Question 3:**

D	N	What kind of claim is it?
X		The sky is blue. <i>Statement of fact about the world.</i>
	X	Children should write thank you notes. <i>Statement of what should be.</i>
	X	New York is the greatest city in the world. <i>Statement of a value judgment.</i>
X		Assisted suicide is legal in some states. <i>Statement of fact.</i>
	X	That's tantamount to murder. <i>Statement with an implied value judgment.</i>

Handout 4/5.3

# Identifying Ethical Arguments—Worksheet

## Instructions

1. Decide whether each statement is an ethical argument or not an ethical argument.  
HINT: Does the statement have the elements of an ethical argument and can it be translated into the standardized format? See Notes below.
2. Place an X in the column marked Yes or No.

#	Is it an ethical argument?	Yes	No
1.	It was wrong to cancel the patient's future appointments after he left against medical advice.		
2.	Falsifying research data puts our entire institution at risk of losing federal funding.		
3.	The surgeon should never have refused to operate on the patient just because he smokes; that is against our institution's policy.		
4.	Staff should know better than to take the parking spots closest to the building; making sick patients walk long distances could exacerbate their medical condition.		
5.	So what if the patient's clothes are infested with bed bugs? That's no reason to refuse to treat the patient. He deserves care just like everyone else.		
6.	It was clearly wrong to fax that patient his friend's medical record. We need to institute procedures to ensure it never happens again.		
7.	I don't care if the medical resident has been awake for 30 hours. She had an obligation to the facility and patient to perform the procedure.		
8.	The nurse should be reprimanded for overdosing the patient. She knew the doctor ordering it was impaired, and it was her professional duty to override his instructions.		
9.	It's unfair that some patients are being billed improperly for their pharmacy co-pays because of inaccurate billing data.		
10.	Administration won't honor the patient's request to go to an out-of-network provider because it's not in the budget.		

## Notes:

### Standardized Format for Ethical Arguments

[Decision or action] is (or is not) ethically justifiable because [rationale].

### Ethical Argument Translated Into the Standardized Format

1. Express decision or action as gerund ("i-n-g").  
**Example:** "Writing a DNR order on this comatose patient without consulting the surrogate."
2. Determine whether argument is asserting decision or action is (or is not) ethically justifiable.  
**Examples:** "Should/should not," "ought/ought not," "right/wrong," "appropriate/inappropriate," "proper/improper," "good/bad," value laden terms (e.g., murder).
3. Identify rationale for argument.  
**Examples:** Preceded by "because," "due to," "for the reason that," "since," "for," "inasmuch as," "in the view of the fact that."

Handout 4/5.4

# Identifying Ethical Arguments—Answer Key

*Explanations appear in italics.*

#	Is it an ethical argument?	Yes	No
1.	It was wrong to cancel the patient's future appointments after he left against medical advice. <i>Cancelling the patient's future appointments after he left against medical advice is not ethically justifiable because...? No rationale. This is a normative claim.</i>		X
2.	Falsifying research data puts our entire institution at risk of losing federal funding. <i>Falsifying research data...? No statement that this is or is not ethically justifiable. This is a descriptive claim.</i>		X
3.	The surgeon should never have refused to operate on the patient just because he smokes; that is against our institution's policy. <i>The surgeon's refusing to operate on the patient just because he smokes is not ethically justifiable because it is against our institution's policy.</i>	X	
4.	Staff should know better than to take the parking spots closest to the building; making sick patients walk longer distances could exacerbate their medical condition. <i>Staff taking the parking spots closest to the building is not ethically justifiable because it makes sick patients walk longer distances could exacerbate their medical conditions.</i>	X	
5.	So what if the patient's clothes are infested with bed bugs? That's no reason to refuse to treat the patient. He deserves care just like everyone else. <i>Refusing to treat a patient whose clothes are infested with bed bugs is not ethically justifiable because he deserves care just like everyone else.</i>	X	
6.	It was clearly wrong to fax that patient his friend's medical record. We need to institute procedures to ensure it never happens again. <i>Faxing that patient his friend's medical record is not ethically justifiable because...? No rationale. This is a normative claim.</i>		X
7.	I don't care if the medical resident has been awake for 30 hours. She had an obligation to the facility and patient to perform the procedure. <i>Failing to perform the procedure is not ethically justifiable because the medical resident had an obligation to the facility and patient.</i>	X	
8.	The nurse should be reprimanded for overdosing the patient. She knew the doctor ordering it was impaired, and it was her professional duty to override his instructions. <i>Reprimanding the nurse for overdosing the patient is ethically justifiable because she knew the doctor ordering it was impaired, and it was her professional duty to override his instructions.</i>	X	
9.	It's unfair that some patients are being billed improperly for their pharmacy co-pays because of inaccurate eligibility data. <i>Billing some patients improperly for their pharmacy co-pays is not ethically justifiable because it is not fair to base billing on inaccurate eligibility data.</i>	X	
10.	Administration won't honor the patient's request to go to an out-of-network provider because it's not in the budget. <i>Administration not honoring the patient's request to go to an out-of-network provider...? No statement that this is or is not ethically justifiable. This is a descriptive claim.</i>		X

Handout 4/5.5

## Summary of the Categories of Ethical Arguments

An ethical analysis answers an ethics question by weighing and balancing a series of arguments and counterarguments about whether or not a particular decision/action is ethically justifiable. Ethical arguments may take many different forms but, to simplify matters, we have defined four categories of ethical arguments depending on whether their rationales are based on credos, consequences, comparisons, or logical fallacies.

### 1) Ethical Arguments Based on Credos

**Definition:**

An ethical argument based on a credo is an ethical argument with a rationale to the effect that the decision or action in question is consistent or inconsistent with a credo.

**Definition of a credo:**

A statement intended to guide the ethical behavior of an individual or group over time.

**Types of credos:**

- Legal standards
- Policy standards
- Professional standards
- Religious standards
- Principles
- Mission statements
- Mottos
- Organizational values statements
- Personal credos

**Ethical theories:**

Deontological ethics, “rule-based” ethics, or duty-based ethics

**Catchwords:**

Right, obligation, duty, responsibility, standard, legal, policy, ethical standard, principle

**Examples: Credo as the rationale for an ethical argument**

- Mandating flu vaccination for health care workers is ethically justifiable because health care workers should put the safety of patients ahead of their own concerns.
- Giving John a bigger salary increase than Mary is not ethically justifiable because it wouldn't be fair.
- Giving her another chance is ethically justifiable because the organization owes it to her.
- Making that phone call is not ethically justifiable because you would be using your public office for private gain which is improper.

**Example of a strengthened Credo as the rationale for an ethical argument**

- Mandating flu vaccination for health care workers is consistent with the professional duty to patients as codified in the AMA Code of Ethics, Principle VIII, “A physician shall, while caring for a patient, regard responsibility to the patient as paramount.”



## 2) Ethical Arguments Based on Consequences

### Definition:

An ethical argument based on a consequence is an ethical argument with a rationale to the effect that the decision or action in question will or will not result in certain good and/or bad effects.

### Can describe consequences for:

- Patients
- Families
- Health care teams
- Health care organizations
- Society in general

### Ethical theories:

Teleological ethics, consequentialism, and utilitarianism

### Catchwords:

Effect, result, cause, and if/then statements

### Examples: Consequence as the rationale for an ethical argument

- Mandating flu vaccination for health care workers is not ethically justifiable because the vaccine is often not fully effective.
- Letting Mr. Jones have an MRI on his first visit for back pain is not ethically justifiable because if we do everyone else would want one too.
- Making that level of budget cuts is not ethically justifiable because it would compromise patient care.

### Examples of a strengthened Consequence as the rationale for an ethical argument

- Mandating flu vaccination for health care workers is not ethically justifiable because the vaccine effectiveness varies (historically between 10 and 60%) and it will reduce the program's credibility if many staff develop the flu despite the mandate to get vaccinated.

### 3) Ethical Arguments Based on Comparisons

**Definition:**

An ethical argument based on a comparison is an ethical argument with a rationale to the effect that the decision or action in question is similar to or different from another decision or action.

**Can compare/distinguish:**

- Characteristics of the decision or action
- The moral actor(s), i.e., who is making a decision or taking an action
- Recipients or object of the decision or action
- Circumstances surrounding the decision or action
- The intent of the decision or action
- The outcome of the decision or action

**Ethical theories:**

Casuistry, case-based reasoning

**Catchwords:**

Like, similar, as if, unlike, dissimilar, different

**Examples: Comparison as the rationale for an ethical argument**

- Mandating flu vaccination for health care workers is ethically justifiable because our hospital is similar to others that require flu vaccination for health care workers.
- Removing the feeding tube is ethically justifiable because, similar to the Cruzan case, even though there is no advance directive it's clear the patient didn't want to be kept alive through artificial means.
- Using a work computer for personal matters in this instance is not ethically justifiable because this is different from other occasional uses in that the employee was being paid for her time by another organization.

**Example of a strengthened Comparison as the rationale for an ethical argument**

- Mandating flu vaccination for health care workers is similar to other leading teaching institutions and as of 2015 more than a third of The Council of Teaching Hospitals members have implemented strict vaccination policies.

## Ethical Arguments Based on Faulty Reasoning

It looks like an ethical argument but lacks a legitimate rationale.

### Ethical arguments based on faulty reasoning take various forms, including:

- 1) Ad populum: The argument is based on the rationale that other people do it or support it so it must be ethically justifiable. Example: "Almost all of the clinicians on the unit think we should override the surrogate's decision, so that's what we should do."
- 2) Inappropriate appeal to authority: The argument is based on the rationale that an authority figure does it or supports it, so it must be ethically justifiable. Example: "The chief of staff doesn't disclose this type of medical error, so there's no reason to tell the family."
- 3) Appeal to emotion: The argument evokes positive (or negative) emotions to suggest that something is (or is not) ethically justifiable. Example: "You should eat everything on your plate. Some children aren't lucky enough to get nutritious food every day."
- 4) False Dichotomy: The argument implies that there are only two options when in fact there are others. Example: "We have to cut spending on social programs. Otherwise we will have a huge deficit that will bankrupt the country."
- 5) Ad hominem: The argument uses derogatory language or innuendo to discredit those who disagree. Example: "People who object to requiring a photo ID must be un-American."
- 6) Confusing law and ethics: The argument does not recognize the difference between law and ethics. Just because something is legal doesn't mean it's the right or best thing to do. Example: "It's legally permissible, so it must be ethical."

Handout 4/5.6

## Categorizing Ethical Arguments—Worksheet

### Instructions

1. Decide what category of ethical argument is represented by the statement below (credo, consequence, comparison, or faulty reasoning).
2. Write the appropriate category in the box next to the argument.

#	Argument	Category
1.	Social security numbers should not be printed on wristbands because of the risk of identity theft.	
2.	Of course he should be allowed to quit the study. Regulations based on voluntariness require investigators to tell patients they can withdraw from research at any time.	
3.	I don't think it is right to stop the dialysis. There's a difference between futile care—i.e., care that "won't work"—and care that is not cost-effective—i.e., care that is "not worth it."	
4.	We should collect the data since it will confirm whether we provided quality care or not.	
5.	Telling a patient they have to be sober to be eligible for rehab is just as wrong as telling a patient with renal failure to come back for dialysis when their kidneys improve.	
6.	Until we do something to fix this problem, we will remain vulnerable from a risk management perspective.	
7.	It was wrong for that chaplain to give the patient last rites since the patient isn't Catholic.	
8.	I don't think we should take away her driver's license. It's not as if she's a pilot or a bus driver.	
9.	He's been disruptive in clinic for years and any fool can see that we should throw him out of this clinic.	
10.	We have a duty to report the numbers as accurately as possible, even if it makes us look bad.	
11.	If a patient died during major surgery, you wouldn't say the anesthesiologist caused his death unless there was negligence. So if a patient on morphine dies, the nurse should not think she caused his death unless there was negligence.	
12.	We don't have much choice here. Either we let our students practice procedures on dead patients or they won't ever learn to perform procedures.	

Handout 4/5.7

**Categorizing Ethical Arguments—Answer Key**

#	Argument	Category
1.	Social security numbers should not be printed on wristbands because of the risk of identity theft.	<i>consequence</i>
2.	Of course he should be allowed to quit the study. Regulations based on voluntariness require investigators to tell patients they can withdraw from research at any time.	<i>credo</i>
3.	I don't think it is right to stop the dialysis. There's a difference between futile care—i.e., care that “won't work”—and care that is not cost-effective—i.e., care that is “not worth it.”	<i>comparison</i>
4.	We should collect the data since it will confirm whether we provided quality care or not.	<i>consequence</i>
5.	Telling a patient they have to be sober to be eligible for rehab is just as wrong as telling a patient with renal failure to come back for dialysis when their kidneys improve.	<i>comparison</i>
6.	Until we do something to fix this problem, we will remain vulnerable from a risk management perspective.	<i>consequence</i>
7.	It was wrong for that chaplain to give the patient last rites since the patient isn't Catholic.	<i>credo</i>
8.	I don't think we should take away her driver's license. It's not as if she's a pilot or a bus driver.	<i>comparison</i>
9.	He's been disruptive in clinic for years and any fool can see that we should throw him out of this clinic.	<i>faulty reasoning: appeal to emotion</i>
10.	We have a duty to report the numbers as accurately as possible, even if it makes us look bad.	<i>credo</i>
11.	If a patient died during major surgery, you wouldn't say the anesthesiologist caused his death unless there was negligence. So if a patient on morphine dies, the nurse should not think she caused his death unless there was negligence.	<i>comparison</i>
12.	We don't have much choice here. Either we let our students practice procedures on dead patients or they won't ever learn to perform procedures.	<i>faulty reasoning: dichotomous question</i>

Handout 4/5.8

## **Generating and Strengthening Ethical Arguments and Counterarguments—Worksheet**

### **Instructions**

1. Read the case summary and ethics question.
2. Generate and strengthen an argument and a counterargument for each of the 3 categories of ethical arguments, and write them in the space provided.

### **Case Summary**

A dying patient's family requests that the patient's automated implantable cardioverter-defibrillator be turned off. The cardiologist refuses, commenting that this would be harmful to his patient—especially since the defibrillator has fired in response to ventricular arrhythmias 2 times over the past 3 months.

### **Ethics Question**

Given that the family argues that the defibrillator ought to be turned off out of respect for the patient, but the cardiologist maintains that he should not turn off the defibrillator because he would feel directly responsible for the patient's death, is it ethically justifiable for the cardiologist to refuse to turn off the defibrillator?

# PARTICIPANT HANDOUTS

	<b>Argument:</b> It is ethically justifiable for the cardiologist to refuse to turn off the defibrillator because. . .	<b>Counterargument:</b> It is not ethically justifiable for the cardiologist to refuse to turn off the defibrillator because. . .
Based on Cremos		
Based on Consequences		
Based on Comparisons		